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UNIVERSITY of PENNSYLVANIA

Office of the General Counsel

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Roman Petyk

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December 21, 2001

DEC 27 2001

Ms. Carlyn Winter Prisk (3HS11)
U.S. Environmental Protection Agency
1650 Arch Street
Philadelphia, PA 19103-2029

Re: Request for information directed to the Hospital of the
University of Pennsylvania in connection with the
Lower Darby Creek Area Superfund Site

Dear Ms. Prisk:

I am writing on behalf of the Hospital of the University of Pennsylvania (the "Hospital"), to respond to an Environmental Protection Agency ("EPA") information request dated October 4, 2001 (the "Information Request"). This information request was sent by EPA in connection with the above-referenced Superfund site pursuant to section 104(e) of the Comprehensive Environmental Response, Compensation and Liability Act, 42 U.S.C. § 9604(e). The questions, contained in enclosure F to the EPA's October 4, 2001 letter, limit the period of time in question to the years 1958-1976.

As you and counsel for the Hospital, Leslie W. Ledogar of Ballard Spahr Andrews & Ingersoll, LLP, agreed, the Hospital's response was due on or before December 21, 2001. The enclosed response and accompanying documents set forth the Hospital's answers to EPA's Information Request. The Hospital specifically reserves the right to amend or supplement its response to the Information Request to the extent that it deems necessary and permitted pursuant to paragraph 4 of Enclosure E to the Information Request.

Upon concluding its review of the EPA's request, the Hospital is unable to conclude that any hazardous waste generated at "locations owned or operated by the Hospital" were "transported to and disposed of at" the Lower Darby Creek Area Superfund Site. Specifically, the Hospital's internal records do not indicate that it might have contributed hazardous waste to this Superfund site. In addition, documents that you sent to the Hospital suggest only that Tri-County Hauling removed non-hazardous municipal and non-hazardous laboratory waste from the Hospital from 1970-1976. There is no indication that Tri-County

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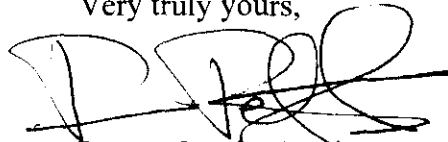
PENN



Hauling removed hazardous waste from the Hospital during the relevant periods. In fact, from some of the records received from EPA, it is clear that Tri-County Hauling was hauling non-hazardous municipal waste. Therefore, the Hospital believes that it cannot reasonably be presumed that Tri-County Hauling was engaged to haul hazardous waste at all.

The Hospital anticipates that the enclosed information satisfies EPA's request. Please do not hesitate to contact me if I can provide you with additional information.

Very truly yours,

A handwritten signature in black ink, appearing to read 'Roman Petyk', with a horizontal line drawn across it.

Roman Petyk, Esquire
Office of General Counsel

LWL/mt
Enclosure

cc: Brendan K. Collins, Esquire (w/enclosure)
Leslie W. Ledogar, Esquire (w/enclosure)

**The Hospital of the University of Pennsylvania's Response to EPA's October 4, 2001
Request for Information Pursuant to CERCLA Section 104(e)**

1. State the name of your company, its mailing address, and telephone number. Further identify:
 - a. the dates and states of incorporation of your company;
 - b. the date and original state of incorporation of your company; and
 - c. the parent corporation of your company, if any, and all subsidiaries or other affiliated entities.

RESPONSE: The Hospital of the University of Pennsylvania, a part of the University of Pennsylvania Health System, which is an operating division of the Trustees of the University of Pennsylvania, a non-profit corporation (hereinafter "Respondent").

- a. The Commonwealth of Pennsylvania, September 30, 1791;
- b. The Commonwealth of Pennsylvania, September 30, 1791;
- c. Not applicable.

2. What is the current nature of the business or activity conducted at your establishment(s) in the Philadelphia, Pennsylvania area? What was the nature of your business or activity between 1958 and 1976? Please describe in detail. If the nature of your business or activity changed from the period of 1958 to 1976 to the present, please provide a detailed explanation of the changes to date.

RESPONSE: Respondent has been, at all times since its date of incorporation, an institution of higher education, hospital and medical center with accessory and incidental uses relating thereto.

3. Identify all persons currently or formerly employed by your establishment(s) who have or may have personal knowledge of your operations and waste disposal practices between 1958 and 1976 at your facilities in the Philadelphia, Pennsylvania area. For each such person, state that person's employer, job title, dates of employment, current address, and telephone number. If the current telephone number or address is not available, provide the last known telephone number or last known address of such person.

RESPONSE: After reasonable inquiry, to the best of Respondent's knowledge, Respondent has no information responsive to this request other than as follows: Matt Finucane, Director of Environmental Health and Radiation Safety, (1981 to the present); George Hettenbach, current Safety Manager (1980's - present); Edward Koza, former Director of Safety for an unknown time period; Bernard Dyer, current Director of Safety Management (from approximately 2000 to the present); Thomas Grace, former Director of Safety Management (from the early 1990's to approximately 2000) and current Director of Support Services (from approximately 2000 - present); and Kyle Rosato, Senior Industrial Hygienist (1989 - present). The following individuals may have or have had personal knowledge of Respondent's waste disposal practices during the relevant time period: William Duluca, Jr., formerly of the Office of Safety (1972 - 2000), whose last known address is [REDACTED]

[REDACTED] and who was in charge of hazardous waste management; William Hickie, former Assistant Vice President of Health Affairs for an unknown time period, whose last known address is unknown; Frank Esposito, former Safety Manager, whose last known address is unknown; and Scott Keys, Safety Specialist (deceased), who was responsible for managing hazardous waste.

4. Identify the owners and operators of your establishment(s) in the Philadelphia, Pennsylvania areas from 1958 to the present. For each owner and operator further provide:
 - a. the dates of their operation;
 - b. the nature of their operation; and
 - c. all information or documents relating to the handling and/or generation, storage, treatment, recycling, formulation, disposal, or transportation of any hazardous substance, hazardous waste, pollutant, contaminant, or other waste during the period in which they were operating the establishment(s).

RESPONSE: Respondent incorporates by reference its response to Question 1.

- a. September 30, 1791 to the present;
- b. Respondent incorporates by reference its response to Question 2;
- c. After reasonable investigation, to the best of its knowledge, Respondent possesses no documents responsive to this request. Documents provided by EPA indicate that Tri-County Hauling may have hauled some of Respondent's non-hazardous municipal waste.

5. Describe the types of documents generated or maintained by your establishment(s) in the Philadelphia, Pennsylvania area concerning the handling and/or generation, storage, treatment, transportation, recycling, formulation, or disposal of any hazardous substance, hazardous waste, pollutant, contaminant or other waste between 1958 and 1976.
 - a. Provide a description of the information included in each type of document and identify the person who was/is the custodian of the documents;
 - b. Describe any permits or permit applications and any correspondence between your company and/or establishment(s), and any regulatory agencies regarding the transportation and disposal of such wastes; and
 - c. Describe any contracts or correspondence between your company and/or establishment(s) and any other company or entity regarding the transportation and disposal of such wastes.

RESPONSE: After reasonable investigation, to the best of its knowledge, Respondent possesses no documents responsive to this request.

6. Identify every hazardous substance used, generated, purchased, stored, or otherwise handled at your establishment(s) in the Philadelphia, Pennsylvania area between 1958

and 1976. Provide chemical analyses and Material Safety Data Sheets ("MSDS"). With respect to each such hazardous substance, further identify:

- a. The process(es) in which each hazardous substance was used, generated, purchased, stored, or otherwise handled;
- b. The chemical composition, characteristics, and physical state (solid, liquid, or gas) of each such hazardous substance;
- c. The annual quantity of each such hazardous substance used generated, purchased, stored, or otherwise handled;
- d. The beginning and ending dates of the period(s) during which such hazardous substance was used, generated, purchased, stored, or otherwise handled;
- e. The types and sizes of containers in which these substances were transported and stored; and
- f. The persons or companies that supplied each such hazardous substance to your company.

RESPONSE: After reasonable investigation, to the best of its knowledge, Respondent possesses no information responsive to this request other than that contained in the attached documents that were provided to Respondent by EPA. By way of further answer, Respondent responds that to the best of its knowledge, in the provision of medical services, it may have used products typically used in the provision of such services, including, by way of example only, *paper/stationery products, office supplies, medical supplies, supplies required for the operation of clinical laboratories and housekeeping supplies.*

- a. After reasonable investigation, to the best of its knowledge, Respondent possesses no information regarding the process(es) in which each hazardous substance was used, generated, purchased, stored, or otherwise handled.
- b. After reasonable investigation, to the best of its knowledge, Respondent possesses no information regarding the individual constituents of each of the particular products it used from 1958-1976.
- c. After reasonable investigation, to the best of its knowledge, Respondent possesses no information regarding the annual quantity of each such hazardous substance used generated, purchased, stored, or otherwise handled.
- d. After reasonable investigation, to the best of its knowledge, Respondent possesses no information regarding the beginning and ending dates of the period(s) during which such hazardous substance was used, generated, purchased, stored, or otherwise handled.
- e. After reasonable investigation, to the best of its knowledge, Respondent possesses no information regarding the types and sizes of containers in which these substances were transported and stored.
- f. After reasonable investigation, to the best of its knowledge, Respondent possesses no information regarding the persons or companies that supplied each such hazardous substance to your company.

7. Identify all by-products and wastes generated, stored, transported, treated, disposed of, released, or otherwise handled by your establishment(s) in the Philadelphia, Pennsylvania area between 1958 and 1976. With respect to each such by-product and waste identified, further provide:
- The process(es) in which each such by-product and waste was generated, stored, transported, treated, disposed of, released, or otherwise handled;
 - The chemical composition, characteristics, and physical state (solid, liquid, or gas) of each such by-product or waste;
 - The annual quantities of each such by-product and waste generated, sorted, transported, treated, disposed of, released, or otherwise handled;
 - The types, sizes, and numbers of containers used to treat, store, or dispose of each such by-product or waste;
 - The name of the individual(s) and/or company(ies) that disposed of or treated each such by-product or waste; and
 - The location and method of treatment and/or disposal of each such by-product or waste.

RESPONSE: Upon information and belief, Respondent may have generated hazardous and non-hazardous waste. The non-hazardous waste may have consisted of solids and liquids, including, by way of example only, cardboard, office paper, cans, minor building debris, and food waste and the hazardous waste may have included waste generated during housekeeping and maintenance operations and materials typical of hospital and university laboratories.

- Upon information and belief, non-hazardous waste was probably deposited in general trash cans scattered throughout the facility and physical plant employees probably collected the non-hazardous waste and deposited it in various, non-hazardous, municipal waste dumpsters. Upon information and belief, hazardous waste was probably segregated from the general waste stream by employees whose duties included using hazardous substances, liquid laboratory waste may have been discharged to the sewer system and solid hazardous waste may have been packaged and collected by Radiac Research Corporation.
- After reasonable investigation, to the best of its knowledge, Respondent has no information regarding the exact chemical composition, characteristics, and physical state of each such by-product or waste it generated.
- After reasonable investigation, to the best of its knowledge, Respondent has no information regarding the annual quantities of each such by-product and waste generated, sorted, transported, treated, disposed of, released, or otherwise handled.
- Upon information and belief, non-hazardous municipal waste was probably deposited in self-containers/compacting systems. After reasonable investigation, Respondent has no information regarding the description of containers used to treat, store or dispose of hazardous waste.

- e. Upon information and belief, Radiac Research Corporation may have disposed of Respondent's hazardous waste. Information provided by EPA indicates that Tri-County Hauling may also have disposed of Respondent's non-hazardous municipal waste.
 - f. Upon information and belief, Respondent understood that the waste disposal companies it utilized to dispose of its waste did so in accordance with all applicable local, state and federal statutes, regulations and other laws in effect at the time of their activities. Respondent has no further information responsive to this request.
8. Did your company ever contract with, or make arrangements with Clearview, Folcroft, Folcroft Annex, Eastern Industrial, Tri-County Hauling, S. Buckley Trash Hauling, Barratt Rupurt, McCloskey Engineering, ABM Disposal Services, Marvin Jonas, Jonas Waste Removal, Paolino Company, Schiavo Bros., Inc. and/or any other company or municipality to remove or transport material from your establishment(s) in the Philadelphia, Pennsylvania area between 1958 and 1976 for disposal? If so, for each transaction identified above, please identify:
- a. The person with whom you made such a contract or arrangement;
 - b. The date(s) on which or time period during which such material was removed or transported for disposal;
 - c. The nature of such material, including the chemical content, characteristics, and physical state (i.e., liquid, solid, or gas);
 - d. The annual quantity (number of loads, gallons, drums) of such material;
 - e. The manner in which such material was containerized for shipment or disposal;
 - f. The location to which such material was transported for disposal;
 - g. The person(s) who selected the location to which such material was transported for disposal;
 - h. The individuals employed with any transporter identified (including truck drivers, dispatchers, managers, etc.) with whom your establishment dealt concerning removal or transportation of such material; and
 - i. Any billing information and documents (invoices, trip tickets, manifests, etc.) in your possession regarding arrangements made to remove or transport such material.

RESPONSE: After reasonable investigation, to the best of its knowledge, Respondent possesses no records that indicate that it contracted with Clearview, Folcroft, Folcroft Annex, Eastern Industrial, S. Buckley Trash Hauling, Barratt Rupurt, McCloskey Engineering, ABM Disposal Services, Marvin Jonas, Jonas Waste Removal, Paolino Company, or Schiavo Bros., Inc. during the period of 1958-1976. Information gathered by the Environmental Protection Agency indicates that Respondent may have contracted with Tri-County Hauling.

- a. After reasonable investigation, upon information and belief, Respondent has no information responsive to this request other than that contained in the attached documents.

- b. After reasonable investigation, upon information and belief, Respondent has no information responsive to this request other than that contained in the attached documents.
 - c. After reasonable investigation, upon information and belief, Respondent has no information responsive to this request other than that contained in the attached documents.
 - d. After reasonable investigation, upon information and belief, Respondent has no information responsive to this request other than that contained in the attached documents.
 - e. Upon information and belief, employees of Respondent's Physical Plant Department probably collected Respondent's non-hazardous, municipal waste and deposited it in the self-contained compacting systems, employees whose responsibilities involved the utilization of hazardous substances collected hazardous wastes in drums designated for the collection of these wastes, and employees of Radiac Research Corporation, packaged, labeled and disposed of these wastes accordingly. Respondent is without information as to the containerization of the waste material once it was removed from Respondent's facility other than as may be indicated in the documents attached hereto.
 - f. After reasonable investigation, upon information and belief, Respondent has no information responsive to this request other than that contained in the attached documents.
 - g. After reasonable investigation, upon information and belief, Respondent has no information responsive to this request.
 - h. After reasonable investigation, upon information and belief, Respondent has no information responsive to this request.
 - i. After reasonable investigation, upon information and belief, Respondent has no information responsive to this request other than that contained in the attached documents.
9. Provide the names, titles, areas of responsibility, addresses, and telephone numbers of all persons who, between 1958 and 1976, may have:
- a. Disposed of or treated materials at Clearview, Folcroft and Folcroft Annex or other areas of the Site;
 - b. Arranged for the disposal or treatment of materials at Clearview, Folcroft and Folcroft Annex or other areas of the Site; and/or
 - c. Arranged for the transportation of materials to Clearview, Folcroft and Folcroft Annex or other areas of the Site (either directly or through transshipment points) for disposal or treatment.

RESPONSE:

- a. After reasonable investigation, to the best of its knowledge, Respondent possesses no records that indicate that any individual disposed of or treated materials at Clearview, Folcroft, or Folcroft Annex or other areas of the Site;
- b. After reasonable investigation, to the best of its knowledge, Respondent possesses no records of any persons who may have arranged for the disposal or treatment of materials at Clearview, Folcroft and Folcroft Annex or other areas of the Site;

- c. After reasonable investigation, to the best of its knowledge, Respondent possesses no records of any persons who may have arranged for the transportation of materials at Clearview, Folcroft and Folcroft Annex or other areas of the Site.
10. For every instance in which your establishment(s) disposed of or treated material at Clearview, Folcroft and Folcroft Annex or other areas of the Site, or arranged for the disposal or treatment of material at the Site, identify:
- a. the date(s) on which such material was disposed of or treated at the Site;
 - b. The nature of such material, including the chemical content, characteristics, and physical state (i.e. liquid, solid, or gas);
 - c. The annual quantity (number of loads, gallons, drums) of such material;
 - d. The specific location on the Site where such material was disposed of or treated; and
 - e. Any billing information and documents (invoices, trip tickets, manifests, etc.) in your company's or establishment's possession regarding arrangements made to dispose of or treat such material at the Site.

RESPONSE:

- a. After reasonable investigation, to the best of its knowledge, Respondent possesses no records that indicate that any material was disposed of or treated at Clearview, Folcroft and Folcroft Annex or any other area of the Site.
 - b. See response to Question 10.a.
 - c. See response to Question 10.a.
 - d. See response to Question 10.a.
 - e. See response to Question 10.a.
11. Did your establishment(s), or any other company or individual ever spill or cause a release of any chemicals, hazardous substances, and/or hazardous waste, and/or non-hazardous solid waste on any portion of Clearview, Folcroft and Folcroft Annex or any other portion of the Site? If so, identify the following:
- a. The date(s) the spill(s)/release(s) occurred;
 - b. The composition (i.e., chemical analysis) of the materials which were spilled/released;
 - c. The response made by you or on your behalf with respect to the spills(s)/release(s); and
 - d. The packaging, transportation, and final disposition of the materials which were spilled/released.

RESPONSE: After reasonable investigation, to the best of its knowledge, Respondent possesses no records that indicate that it spilled or caused a release of chemicals, hazardous substances, hazardous waste or non-hazardous solid waste at any portion of Clearview, Folcroft or Folcroft Annex or any other portion of the Site. The attached documents, which were provided to

Respondent by EPA, may indicate that some of Respondent's non-hazardous waste may have been disposed of at Clearview, Folcroft or Folcroft Annex.

12. Please identify individuals employed by your establishment(s) who were responsible for arranging for the removal and disposal of wastes, and individuals who were responsible for payments, payment approvals, and record keeping concerning such waste removal transactions at your Philadelphia, Pennsylvania area establishment(s) between 1958 and 1976. Provide current or last known addresses and telephone numbers where they may be reached. If these individuals are the same person identified by your answer to question 3, so indicate.

RESPONSE: Please see response to question 3.

13. Did you or any person or entity on your behalf ever conduct any environmental assessments or investigations relating to contamination at Clearview, Folcroft and Folcroft Annex, or any other areas of the Site? If so, please provide all documents pertaining to such assessments or investigations.

RESPONSE: After reasonable investigation, to the best of its knowledge, Respondent possesses no records that indicate that it ever conducted an environmental assessment or investigation relating to contamination at Clearview, Folcroft and Folcroft Annex or any other areas of the Site.

14. If you have any information about other parties who may have information which may assist the EPA in its investigation of the Site, including Clearview, Folcroft and Folcroft Annex, or who may be responsible for the generation of, transportation to, or release of contamination at the Site, please provide such information. The information you provide in response to this request should include the party's name, address, telephone number, type of business, and the reasons why you believe the party may have contributed to the contamination at the Site or may have information regarding the Site.

RESPONSE: After reasonable investigation, to the best of its knowledge, Respondent does not have any information about other parties who may have information that may assist the EPA in its investigation of the Site.

15. Representative of your establishment(s):
 - a. Identify the person(s) answering these questions on behalf of your establishment(s), including full name, mailing address, business telephone number, and relationship to the company.
 - b. Provide the name, title, current address, and telephone number of the individual representing your establishment(s) to whom future correspondence or telephone calls should be directed.

RESPONSE:

- a. Roman Petyk, Esquire
University of Pennsylvania
Office of General Counsel
133 South 36th Street, Suite 300
Philadelphia, PA 19104-3246
(215) 746-5200

Matt Finucane, Director
Environmental Health and Radiation Safety
University of Pennsylvania
Philadelphia, PA 19104-3246
(215) 746-5200
- b. Roman Petyk, Esquire
University of Pennsylvania
Office of General Counsel
133 South 36th Street, Suite 300
Philadelphia, PA 19104-3246
(215) 746-5200

with a copy to:

Leslie W. Ledogar, Esquire
Ballard Spahr Andrews & Ingersoll, LLP
1735 Market Street, 51st Floor
Philadelphia, PA 19103
(215) 864-8137

- 16. If any of the documents solicited in this information request are no longer available, please indicate the reason why they are no longer available. If the records were destroyed, provide us with the following:
 - a. Your document retention policy;
 - b. A description of how the records were/are destroyed (burned, archived, trashed, etc.) and the approximate date of destruction;
 - c. A description of the type of information that would have been contained in the documents; and
 - d. The name, job title, and most current address known to you of the person(s) who would have produced these documents; the person(s) who would have been responsible for the retention of these documents; and the person(s) who would have been responsible for the destruction of these documents.

RESPONSE:

- a. Respondent responds that, its current document retention policy was established in September of 1985 and an official policy regarding document retention and

destruction was adopted in January of 1990. Pursuant to its document retention policy, records which document financial transactions between Respondent and its vendors are not retained for a period longer than eight years from the date of creation. Documents pertaining to the shipping of hazardous wastes are generally not retained for longer than five years from the date of creation.

- b. Upon information and belief, depending upon the content of the documents, they may have been either incinerated, shredded or discarded in the non-hazardous municipal waste stream upon expiration of the applicable document retention period.
- c. See response to Question 16.a.
- d. After reasonable investigation, to the best of its knowledge, Respondent does not have any information responsive to this request.



FAX TRANSMISSION

Hazardous Site Cleanup Division
PRP Investigation and Site Information Section

To: Leslie Ledogar **Date:** 11/8/01
Fax #: 215-864-9815 **Pages:** 10, including this cover sheet.
From: Carlyn Winter Prisk
215-814-2625 (voice)
215-814-3005 (fax)
Subject: Lower Darby Creek Superfund Site, Information Request. U of P nexus documents.

COMMENTS:

Interview Summary
Leonard Brundage

July 31, 2001
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Name: Leonard Brundage (WITNESS)

[REDACTED]

Affiliation: Area Resident

Telephone:

[REDACTED]

Type of Interview: In-Person

Date of Interview: July 31, 2001

On July 31, 2001, the WITNESS was interviewed at his residence by Michael McCloskey of Tri-State Enterprise. The WITNESS was interviewed as part of the potentially responsible party search currently being conducted under Work Assignment NO. ES-002 involving the Lower Darby Creek Area, Delaware County, PA (the "Site"). This interview focused on the Clearview Landfill (Clearview). The WITNESS was provided with a copy of the letter of introduction, advised of the nature of the questions to be asked and advised that the interview was voluntary. The WITNESS advised that he is not represented by an attorney in this matter and did not want an attorney. No other persons were present and this interview was not tape-recorded.

During the course of this interview, the WITNESS responded to questions based on guidelines provided by the United States Environmental Protection Agency for private citizens.

The WITNESS stated that he has lived at his current address since 1981. He indicated that his property borders a field that leads to the Clearview Landfill. The WITNESS directed the interviewer to the rear yard of his property and pointed to a hill approximately 300 yards south. The WITNESS stated that the hill is part of the Clearview Landfill and is known as "Monkey Hill."

The WITNESS stated that in the late 1970s, the University of Pennsylvania was disposing of the carcasses of monkeys used in experiments at the University of Pennsylvania. He indicated that the name monkey hill evolved from this practice.

The WITNESS was asked to explain his association with Clearview. He indicated that he only became active in the Clearview issues since 1999. He indicated that prior to 1999 he had visited the Landfill on numerous occasions and had taken photographs of waste piles on Clearview. He indicated that in the early and mid 1980s there was a citizens group known as CLEAN that were actively working with Pennsylvania authorities to close the Landfill. He indicated that the leader of this group was Kevin Nesko. The WITNESS stated that he turned over all of the photographs that he had taken to Mr. Nesko in the early 1980s.

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Interview Summary
Leonard Brundage

July 31, 2001
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When asked if he had observed any vehicles entering Clearview the WITNESS stated no. He indicated that although his property adjoins the Clearview property, the entrance to Clearview was from the 84th Street side of Clearview and out of sight from his residence.

The WITNESS stated that there was also an entrance to the Clearview property from the area of 82nd and Buist Street.

When asked if he knew the names of any companies that had waste disposed of at Clearview, the WITNESS stated that he did not know specific names. He indicated that a group of citizens filed a "property devaluation" lawsuit against the owner of Clearview, Richard Heller, in 1984. He further stated that this suite had a list of names of companies as possible polluters at the site. The WITNESS stated that this suite was filed in U.S District Court in Philadelphia. He could not recall the names of the companies listed with this lawsuit.

When asked if he knew the names of any individuals that worked on Clearview, the WITNESS stated that he recalls the name of Ted Periford. He indicated that Mr. Periford worked at Clearview in the 1960s and 1970s for Richard Heller. He did not know what specific duties Mr. Periford provided at Clearview.

The WITNESS stated that a Lee Talafaro was a Commissioner in Delaware County, PA in the early 1980s and had investigated waste disposal activities at Clearview. He did not know if Mr. Talafaro would have information about transporters or generators.

The WITNESS stated that he could not recall the names of any drivers for Richard Heller's waste hauling business or the names of anyone involved in the transfer stations located at Clearview. He indicated that he recalls two or three companies had drum-transfer facilities at Clearview in the early 1980s, but could not recall the names of these companies or the names of anyone who worked for these companies.

"I declare under penalty of perjury that the foregoing is true and correct."

Executed on _____
(Date)

Signed _____
Leonard Brundage

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Interview Summary
[REDACTED]

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Name:

[REDACTED] (WITNESS)

Affiliation:

Former Employee, Clearview Landfill

Telephone:

Type of Interview:

In-Person

Date of Interview:

October 22, 2001

On October 22, 2001, the WITNESS was interviewed at the office of the [REDACTED] by Michael McCloskey of Tri-State Enterprise. The WITNESS was interviewed as part of the potentially responsible party search currently being conducted under Work Assignment NO. ES-002 involving the Lower Darby Creek Area, Delaware County, PA (the "Site"). This interview focused on the Clearview Landfill (Clearview). The WITNESS was provided with a copy of the letter of introduction, advised of the nature of the questions to be asked and advised that the interview was voluntary. The WITNESS advised that he is not represented by an attorney in this matter and did not want an attorney. No other persons were present and this interview was not tape-recorded. Follow-up telephone interviews were conducted with the WITNESS on October 24, 2001 and October 30, 2001.

During the course of this interview, the WITNESS responded to questions based on guidelines provided by the United States Environmental Protection Agency for former employees.

The WITNESS was shown a map of the Site and this map was used throughout the interview. The WITNESS prepared a sketch of the Site and this sketch was also used as a reference throughout the interview. The sketch prepared by the WITNESS is attached to this interview summary.

The WITNESS was asked to explain his association with the Site.

The WITNESS stated that he worked at the Clearview Landfill while employed by Richard Heller from [REDACTED]. He indicated that the Clearview Landfill was owned and operated by Ed Heller until about 1970. The WITNESS stated that in 1970 Ed Heller retired and Richard Heller, his son, took over the operation of the Landfill. The WITNESS stated that Richard Heller was the general manager of the Clearview Landfill prior to 1970 and had responsibility for the day-to-day operation of the Landfill.

The WITNESS stated that the Clearview Landfill closed around 1972. He indicated that an asphalt plant was built and operated in the area of the office and garage on the Landfill from about 1972 to 1973. The WITNESS stated that he also worked at this asphalt plant from 1972 to 1973 as a mechanic and equipment operator. The WITNESS stated that this asphalt

ENFORCEMENT CONFIDENTIAL

Interview Summary

October 20, 2001

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Company was known as Roma and Associates. He indicated that Roma and Associates was owned and operated by Richard Heller. He indicated that Richard Heller had a partner in this business, but the WITNESS could not recall this individual's name. The WITNESS stated that the plant mixed rock with tar that was delivered by outside contractors. He indicated that once the rock and tar was mixed the asphalt was picked up by outside contractors. The WITNESS stated that to his knowledge this process did not generate waste and that he does not believe any waste from the asphalt plant was disposed of on the Clearview Landfill.

When asked to describe his duties while employed by Richard Heller at the Clearview Landfill, the WITNESS stated that he was one of the bulldozer operators. He indicated that as the bulldozer operator he was responsible for digging fill areas and covering fill areas at the end of each day. The WITNESS stated that he also worked as a vehicle mechanic while working at the Clearview Landfill.

The WITNESS was asked to describe the operations at the Clearview Landfill. The WITNESS stated that all trucks entering Clearview had to enter from 84th Street. He stated that a shack was located on the Landfill property at the end of 84th Street. The WITNESS stated that an employee of the Clearview Landfill was stationed in this shack and that all trucks entering the Landfill were stopped at this shack. The WITNESS explained that this employee would fill out a slip which would identify the company the truck was from and the size of the truck. The WITNESS stated that the company would be charged for the use of the Landfill based on the size of the truck.

The WITNESS stated that Clearview Landfill had contracts with many of the transporters. He indicated that if the truck was from a contract company the slip would be turned over to Richard Heller and an invoice would be generated on a weekly or monthly basis. The WITNESS stated that if the truck was not from a company that had a contract with the Clearview Landfill, the truck was required to pay at the shack before entering the Landfill. The WITNESS stated that the slip and cash would be turned over to Richard Heller at the end of the day.

The WITNESS stated that the Clearview Landfill operated on a 7-day per week, 24-hours each day. He indicated that most of the disposal activities occurred during the day, however disposal at night was done on a regular basis. The WITNESS explained that at the end of each day he would cover the fill areas used during the day. He indicated that on numerous occasions he would find uncovered waste on the Landfill when he returned the following morning.

The WITNESS stated that an office with an attached garage was located approximately 100-feet north of the shack. He indicated that this office and garage was used by Richard Heller to operate the Clearview Landfill and Citywide Services. The WITNESS stated that Citywide Services was a Trash Company owned and operated by Richard Heller. He indicated that the trash trucks were parked next to this garage and all maintenance of the trucks was done in the garage.

ENFORCEMENT CONFIDENTIAL

Interview Summary

Page 4

When asked how many trash trucks Citywide Services operated and to describe the trucks, the WITNESS stated that Citywide operated 8-10 trash trucks. He described these trucks as rear-end loaders and rear-end compactor trucks. When asked if Citywide Services operated any roll-off trucks, the WITNESS stated that he could not recall.

When asked to describe the vehicles used by Clearview Landfill to operate the Landfill, the WITNESS provided the following.

- Three bulldozers: The WITNESS stated that the bulldozers were used to fill and move waste disposed of on the Landfill.
- One crane: The WITNESS stated that the crane was used to dig holes for the fill areas. He indicated that this crane was capable of digging 60 feet deep and most of the fill areas were at least 50 feet deep.
- Two compactor trucks: The WITNESS explained that the compactor trucks were used to compact the waste.

The WITNESS explained that, until about 1970, Clearview Landfill operated an incinerator on the Landfill. He described this incinerator as a metal teepee-shaped incinerator. He indicated that trucks backed up to the incinerator and disposed of the waste in a pit. The WITNESS stated that the incinerator was cleaned out one time each week and the ash was used as fill on the Clearview Landfill. The WITNESS stated that in about mid 1970 Richard Heller had the incinerator torn down. When asked, the WITNESS stated that he did not know why the incinerator was torn down.

When asked if he had observed steel drums disposed of at the Clearview Landfill, the WITNESS stated yes. The WITNESS stated that a deep pit had been dug on the Landfill and all steel drums were disposed of in this pit. He stated that the pit was in use for this purpose when he began working at the Landfill in [REDACTED]. The WITNESS stated that sometime in 1970 the pit was covered and steel drums were then disposed of in the general fill areas.

The WITNESS stated that this pit was located approximately 800 feet north of the office and garage. He indicated that the pit was approximately 60- feet deep and 50-feet by 50-feet wide. The WITNESS noted the location on the enclosed sketch.

When asked the names of any industrial Companies that disposed of waste at Clearview Landfill, the WITNESS provided the following.

- Philadelphia Navy Yard (PNY): The WITNESS stated that the PNY operated large flatbed trucks. He described these trucks as having wooden sides and they were opened at the top. The WITNESS stated that the PNY disposed of waste in these trucks at least three times each day. He described the waste as wood, paper, scrap metal and 55-gallon steel drums. The WITNESS stated that the PNY disposed of about thirty 55-gallon steel drums each week at the Clearview Landfill. He stated that the drums were full of a liquid and he was told by one of the truck drivers that some of the drums contained the used cooling

ENFORCEMENT CONFIDENTIAL

Interview Summary

October 26, 2001

Page 5

fluid used in electrical transformers. The WITNESS stated that the drums were disposed of in the pit described above.

- Cleveland Wrecking Company (CRC): The WITNESS stated that CRC operated numerous dump trucks and disposed of construction debris from torn down buildings. The WITNESS stated that CRC made at least one trip a day to the Clearview Landfill.
- DuPont Chemical Company (DuPont): The WITNESS stated that DuPont operated numerous flatbed box trucks and disposed of waste at the Clearview Landfill about two times each day. The WITNESS stated that these trucks had the name DuPont stenciled on the side doors. The WITNESS did not know what DuPont site these trucks were from. He indicated that the waste disposed of at Clearview by DuPont included 55-gallon steel drums. He indicated that some of these drums contained paint and others contained an unknown liquid.
- Ed Lafferty and Son (Lafferty): The WITNESS stated that Lafferty was a dump truck Company located in Collingdale, PA. He indicated that Ed Lafferty is a close friend of Richard Heller and that Lafferty disposed of 55-gallon steel drums at the Landfill. He indicated that some of these drums contained an unknown liquid. He indicated that Lafferty also disposed of construction debris at the Landfill.
- Bazzarie Trash Company: The WITNESS was not certain of the spelling. He indicated that this company operated out of the south Philadelphia area. The WITNESS stated that Bazzarie made about three trips to the Clearview Landfill each day. He indicated that Bazzarie operated rear-end loader trash trucks and some box trucks. He described the box trucks as flatbed trucks with wooden sides and an open top. The WITNESS stated that Bazzarie disposed of some drums containing an unknown liquid waste. He indicated that Bazzarie also disposed of household waste at the Landfill.
- University of Pennsylvania (UP): The WITNESS stated that an outside waste hauler, he could not recall the name of this company, disposed of drum waste from UP at the Clearview Landfill. The WITNESS stated that he had been told by one of the drivers that the drums contained dead monkeys that had been used for medical research by the UP.
- Eastern Industrial (Eastern): The WITNESS stated that Eastern Industrial was a trash truck company that made three to four trips to the Clearview Landfill each day. The WITNESS stated that Eastern operated rear-end loader trucks, compactor trucks and some roll-off container trucks. He could not recall the types of waste Eastern disposed of at the Clearview Landfill.
- Rohm & Haas: The WITNESS stated that Rohm & Haas operated flatbed box trucks that disposed of waste at Clearview. He indicated that Rohm & Haas disposed of 55-gallon steel drums at the Landfill. He did not know what if any substances were in these drums. He indicated that all of the Rohm & Haas trucks were gray in color and had the name Rohm & Haas stenciled on the sides of the trucks.

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Interview Summary

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When asked if he was aware of any paint companies disposing of waste on the Clearview Landfill, the WITNESS stated that numerous 55-gallon drums were disposed of on the Clearview Landfill, however he could not recall where the drums came from or the names of the transporters that brought the drums to Clearview.

When asked if the Citywide Service trash Company disposed of waste on the Clearview Landfill, the WITNESS stated yes. He indicated that because Citywide Services was owned by Richard Heller, all of the waste picked up by Citywide Services was disposed of at the Clearview Landfill.

When asked to describe the types of waste disposed of at the Clearview Landfill by Citywide Services, the WITNESS stated that Citywide Services had contracts with many of the townships in Delaware and Philadelphia County to pick up residential waste. He indicated that Darby Township and the City of Upper Darby, PA were two of the Municipalities that had contracts with Citywide Services to have their residential waste picked up. The WITNESS could not recall the names of other Townships that had contracts with Citywide Services.

The WITNESS was asked if the Clearview Landfill Site had drum recycling operations or transfer stations when he worked at the Clearview Landfill from [REDACTED]. The witness stated no.

When asked the names of other individuals that worked at the Clearview Landfill, the witness provided the following.

- Edward Shaughnessy: The witness stated that Edward Shaughnessy [REDACTED] now deceased. He indicated that Edward Shaughnessy also operated a bulldozer on the Clearview Landfill.
- Sonny Peurifoy: The witness stated that Peurifoy was Richard Heller's right hand man and that Peurifoy operated all of the equipment including the bulldozer and crane.
- James McGee: The witness stated that McGee operated the crane and the bulldozer from time to time.
- Rabbit (Unknown name): The witness stated that Rabbit was one of the individuals that stood in the shack at the entrance to the Clearview Landfill and filled out the billing sheet for each of the trucks entering the Landfill. He described Rabbit as a white male who would currently be about 50 years old.
- Edward Wright: The witness stated that Wright was the night watchman who also would stand in the shack and fill out billing sheets for trucks that entered the Landfill at night.
- Timothy Shaughnessy: The witness stated that this individual operated the bulldozer. He indicated that Timothy Shaughnessy was killed in a motorcycle accident in the late 1980s.

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Interview Summary
[REDACTED]

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The witness stated that there were many more employees at the Clearview Landfill, however he could not recall any other names. He indicated that numerous "Scrappers" hung around the Clearview Landfill at night. He indicated that scrappers were allowed to rummage through the trash to pick out metal, copper and other valuable substances. He indicated that Richard Heller allowed this and received some sort of fee for the items found by the scrappers. The witness stated that most of the fires at the Clearview Landfill were caused by the scrappers. He explained that on cold nights the scrappers would start fires in steel drums to keep warm. He indicated that on numerous occasions these drums would topple over and cause a fire.

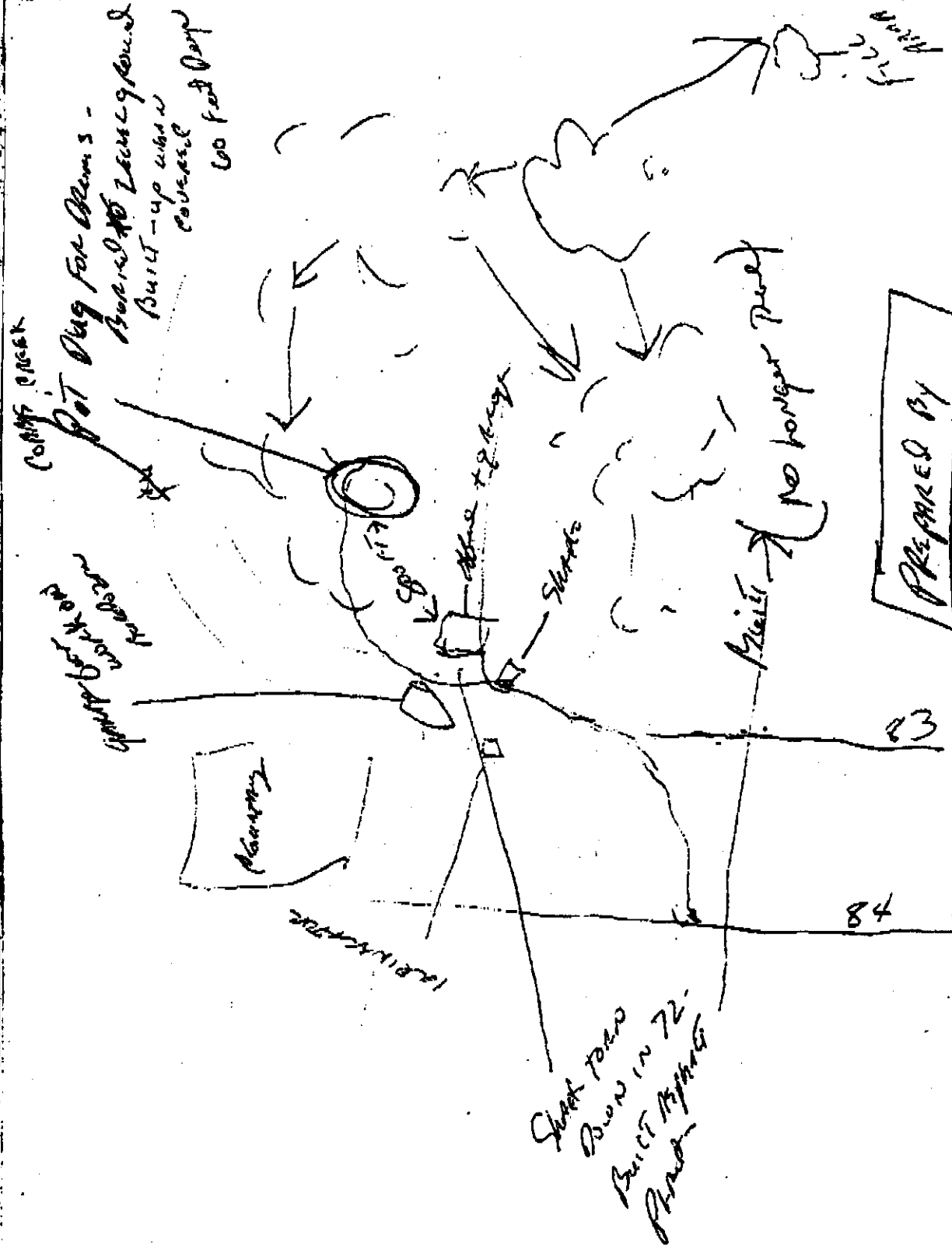
While sketching the fill area at the Clearview Landfill the witness pointed out an area on the sketch and indicated that a portion of Cobbs Creek was filled by waste at the direction of Richard Heller.

"I declare under penalty of perjury that the foregoing is true and correct."

Executed on _____
(Date)

Signed _____
[REDACTED]

ENFORCEMENT CONFIDENTIAL



Prepared By
[Redacted]
on 10/22/01



FAX TRANSMISSION

Hazardous Site Cleanup Division
PRP Investigation and Site Information Section

To: Leslie Ledogar, Esq. **Date:** 11/8/01
Fax #: 215-864-9815 **Pages:** 6, including this cover sheet.
From: Carlyn Winter Prisk
215-814-2625 (voice)
215-814-3005 (fax)
Subject: Lower Darby Creek Superfund Site, Information Request. U of P additional nexus documents.

COMMENTS:



HOSPITAL OF THE UNIVERSITY OF PENNSYLVANIA

3400 Spruce Street, Philadelphia, Pa. 19104

VENDOR Tri-County

13243

H-018726

PURCHASE ORDER NO.

THIS NUMBER MUST APPEAR
ON ALL PACKAGES AND INVOICES

Sharon Hill, Pa.

TERMS
NET 30DELIVERY
(IN DAYS)
365DATE
11/1/73

DEPARTMENT AND CODE

Maint. 830-676

F.O.B.
HOSP. X PLANT

NOTICE:

THIS ORDER IS EX-
EMPT FROM THE
PA. SALES AND USE
TAX.REGISTRATION
NO. C-10440
ALSO FEDERAL EX-
CISE NO. A149524.FORWARD INVOICE
TO ACCOUNTS PAY-
ABLE OFFICE.MAKE ALL DELIV-
ERIES TO RECEIV-
ING DEPT.
(THRU GATE AT
36TH & SPRUCE
STG.)
BEFORE 4:00 P.M.
WEEKDAYS.

QUANTITY	UNIT	DESCRIPTION	UNIT PRICE	EXTENSION
		RENEWAL OF BLANKET ORDER		
		For removal and disposal of Pathological Wastes to be billed at the rate of	\$75.00	per trip
		NOTE: THIS ORDER IS REPLACING ORDER NO. H-000412		
		1 WICC 0017485		
			CORRECTED COPY	TOTAL
				\$00.00

UNITS ABBREVIATIONS
 BG-BAG C-100
 BL-BOLT CN-CAN
 BT-BOTTLE CS-CASE
 BX-BOX CT-CARTON
 003006 3/73

DR-DRUM
 DZ-DOZEN
 EA-EACH
 FT-FOOT

GL-GAL
 GR-GROSS
 HK-HANK
 JR-JAR

M-1.000
 PC-PIECE
 PD-PAD
 PK-PACKAGE

PL-PLATE
 PR-PAIR
 PY-PINT
 RK-RACK

RL-ROLL
 RM-REAM
 SP-SPOOL
 ST-SET

TS-TUBE
 VL-VIAL
 YD-YARD

HOSPITAL OF THE UNIVERSITY OF PENNSYLVANIA

VENDOR

WM013849

THE GRADUATE HOSPITAL of the UNIVERSITY of PENNSYLVANIA
19th and LOMBARD STREETS PHILADELPHIA, PA. 19146

PURCHASE ORDER

GH 29416

THIS NUMBER MUST
APPEAR ON ALL
PACKAGES AND INVOICES.

TO TRI-COUNTY MOVING & HAULING
17777 CALCON HOOK ROAD
SHARON HILL, PA. 19079

Invoices are to be rendered in DUPLICATE to Controller,
the Graduate Hospital and must include purchase order no.

DATE OF ORDER	CLASS	DEPT.	ACCOUNT	TYPE	FUND
11-9-73		663	263		

QUANTITY	DESCRIPTION	UNIT PRICE	AMOUNT
	REMOVAL OF HUMAN WASTES FROM PATHOLOGY TO BE COMPLETED 11/9/73		\$35.00
WICC 0017483			

MAKE ALL DELIVERIES TO RECEIVING DEPT. THE GRADUATE HOSPITAL
BETWEEN 18th & 19th STREETS ON NAUDAIN STREET BEFORE 4:00 P.M. MON. THRU FRI. THE GRADUATE HOSPITAL of the UNIVERSITY of PENNSYLVANIA

THIS ORDER IS EXEMPT FROM THE PA. SALES AND USE TAX
REGISTRATION NO. 51-24095 ALSO FEDERAL EXCISE NO. A149524

AUTHORIZED SIGNATURE

WM013850

3400 Spruce Street, Philadelphia, Pa. 19104

VENDOR

Tri County

13243

H-019794

PURCHASE ORDER NO.

THIS NUMBER MUST APPEAR
ON ALL PACKAGES AND INVOICES

Sharon Hill, PA 19079

TERMS

NET 30 DAYS

DELIVERY
(IN DAYS)

365

DATE

12-21-73

DEPARTMENT AND CODE

Pharmacy 0730-0676

F.O.B.

HOSP. PLANT

X

NOTICE:

THIS ORDER IS EX-
EMPT FROM THE
PA. SALES AND USE
TAX.REGISTRATION
NO. C-10440ALSO FEDERAL EX-
CISE NO. A145524.FORWARD INVOICE
TO ACCOUNTS PAY-
ABLE OFFICE.MAKE ALL DELIV-
ERIES TO RECEIV-
ING DEPT.(THRU GATE AT
36TH & SPRUCE
STs.)BEFORE 4:00 P.M.
WEEKDAYS.

QUANTITY

UNIT

DESCRIPTION

UNIT PRICE

EXTENSION

BLANKET ORDER

Rubbish Removal for November 1973 to
November 1974

Packer containers

7.00/
ct.

1

WICC 0017487

CORRECTED COPY

TOTAL

00

UNIT ABBREVIATIONS

BG-BAG
 BL-BOLT
 BT-BOTTLE
 BX-BOX
 083006 3/73

DR-DRUM
 DZ-DOZEN
 EA-EACH
 FT-FOOT

GL-GAL
 GR-GROSS
 HA-HANK
 JR-JAR

M-1,000
 PC-PIECE
 PD-PAD
 PK-PACKAGE

PL-PLT
 PR-PAIR
 PY-PINT
 RK-RACK

RL-ROLL
 RM-REAM
 SP-SPOOL
 ST-SET

TB-TUBE
 VL-VIAL
 YD-YARD

VENDOR

FROM THE UNIVERSITY OF PENNSYLVANIA



WM013851

To: TR: COUNTY HAULING CO
59TH & SCHUYLKILL AVE
PHILA PA

From: PURCHASING DEPARTMENT
University of Pennsylvania
3451 Walnut St.
Philadelphia, Pa. 19104
Tel: (215) 594-7216

Date: 7-8-71

REFER TO OUR PURCHASE ORDER NO. 1001

PLEASE REFER TO THE ABOVE P.O. NUMBER
AND EXTEND TO 6-30-75 UNLESS OTHERWISE
NOTIFIED

For:

DEPARTMENT

E & G

ACCOUNTING CODE

2-15512-230

REQ # 3828

WICC 0017479

ORIGINAL

Trustees of the University of Pennsylvania

Robert M. Stevill

Purchasing Agent

WM013852

To: TRI COUNTY HAULING CO
58TH & SCHUYLKILL AVE
PHILA PA

From: PURCHASING DEPARTMENT
University of Pennsylvania
3451 Walnut St.
Philadelphia, Pa. 19104
Tel: (215) 594-7216

Date: 7-8-75

REFER TO OUR PURCHASE ORDER NO.

10590

PLEASE REFER TO THE ABOVE P.O. NUMBER
AND EXTEND TO 6-30-75.

For:

DEPARTMENT

R & G

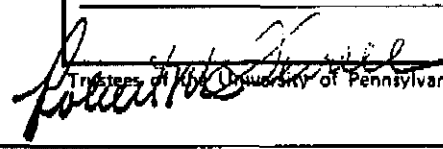
ACCOUNTING CODE

2-15512-230

RFQ # 3833

WICC 0017480

ORIGINAL


Trustees of the University of Pennsylvania

Purchasing Agent

WM013853

TOTAL P.06